

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Gary Scott Niewierowski, Kathleen Patricia Niewierowski
Debtor(s).

CASE NO. 15-36541
CHAPTER 7

NOTICE OF MOTION

To: Gary & Kathleen Niewierowski 1951 Hancock Dr Hoffman Estates, IL 60169
Sulaiman Law Group, Ltd. 900 Jorie Boulevard Suite 150 Oak Brook, IL 60523
Steven R Radtke 79 W Monroe Street Suite 1305 Chicago, IL 60603

PLEASE TAKE NOTICE that on February 10, 2016 at the hour of 10:00 a.m., I shall appear before the Honorable Judge Barnes, Room 744 of the U.S. Bankruptcy Court, 219 S. Dearborn, Chicago, IL and then and there move the court pursuant to the attached Motion at which time and place you may appear if you see fit.

/s/Michael Dimand
MICHAEL DIMAND

CERTIFICATE OF MAILING

I, MICHAEL DIMAND, an attorney, certify that I served the above-named respondents by placing a copy of the Motion in an envelope, correctly addressed and mailing same by regular mail, postage pre-paid in the U.S. Mail chute at 125 E. Lake St., Suite 206, Bloomingdale, Illinois before the hour of 5:00 p.m. on February 2, 2016.

/s/Michael Dimand
MICHAEL DIMAND

THIS COMMUNICATION IS FROM A "DEBT COLLECTOR." (15USC 1692a)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

In re:

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Niewierowski

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Debtor(s).

MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY)

Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Home Equity Loan Trust 2006-2, Mortgage Pass-Through Certificates, Series 2006-2 (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having an address of 1951 Hancock Drive, Hoffman Estates, IL 60195 (the “Property”). In support of this Motion, Movant respectfully states:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed with respect to the Debtor(s) on October 27, 2015.
2. Pursuant to a certain Note and Mortgage, all obligations of the Debtor(s) under and with respect to the Note and the Mortgage are secured by the Property. Copies of the Note, Mortgage, and Assignment of Mortgage (if applicable) are attached hereto.
3. As of February 2, 2016, the outstanding amount due is \$183,669.41.
4. The debtor is due contractually for the October 1, 2012 payment, a default of 41 months, in the amount of \$43,972.97.
5. The estimated market value of the Property is \$92,189.00. The basis for such valuation is Debtor(s)' Schedule A and Schedule D.
6. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is \$183,823.63.
7. Cause exists for relief from the automatic stay for the following reasons:
 - A. Movant's interest in the Property is not adequately protected.
 - B. Movant's interest in the collateral is not protected by an adequate equity cushion.

C. The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant's interest against that decline.

D. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Terminating the automatic stay of 11 U.S.C. § 362(a) to allow Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. For such other relief as the Court deems proper.

Respectfully submitted:

/s/Michael Dimand
Michael Dimand
Attorney for Creditor

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W15-1674

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